

LAW OFFICES  
FARRAR & BATES, L.L.P.

J. Russell Farrar  
William N. Bates  
Kristin Ellis Berexa  
Teresa Reall Ricks  
Molly R. Cripps  
Mary Byrd Ferrara\*  
Robyn Beale Williams  
Jennifer Orr Locklin  
P. Andrew Wright, Jr.

211 Seventh Avenue North  
Suite 420  
Nashville, Tennessee 37219

Telephone 615-254-3060  
Facsimile 615-254-9835  
E-Mail: fblaw@farrar-bates.com

Of Counsel

H. LaDon Baltimore  
Gregory E. Seneff, Sr.

\*Also licensed in KY

03 FEB 19 PM 3 55  
TN REGULATORY AUTHORITY  
DOCKET ROOM

February 18, 2002

The Honorable Sara Kyle, Chairman  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37238

Re: Complaint of Ben Lomand Communications, Inc. against Citizens  
Communications Company of Tennessee, LLC d/b/a Frontier Communications  
of Tennessee; Docket No. 02-01221

Dear Chairman Kyle:

I am enclosing with this letter Ben Lomand Communications, Inc.'s Response to  
Discovery Requests of Citizens Communications Company of Tennessee LLC, d/b/a Frontier  
Communications of Tennessee.

Exhibit 2 is Confidential and Proprietary and will be submitted upon execution of the  
Protective Order.

Should you have any questions or require anything further at this time, please do not  
hesitate to contact me.

Sincerely,



H. LaDon Baltimore  
Attorney for Ben Lomand Communications, Inc.

LDB/dcg  
Enclosure

cc: Levoy Knowles  
Guilford F. Thornton, Jr., Esq.  
Richard Collier, Esq.  
James Dempster, Esq.

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

**IN RE:**

**COMPLAINT OF BEN LOMAND  
COMMUNICATIONS, INC.,**

**Against**

**CITIZENS COMMUNICATIONS  
COMPANY OF TENNESSEE LLC,  
d/b/a FRONTIER COMMUNICATIONS  
OF TENNESSEE.**

**DOCKET NO. 02-01221**

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**RESPONSE OF BEN LOMAND COMMUNICATIONS, INC.  
TO DISCOVERY REQUESTS OF CITIZENS COMMUNICATIONS COMPANY  
OF TENNESSEE LLC, D/B/A FRONTIER COMMUNICATIONS OF TENNESSEE**

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Ben Lomand Communications, Inc. ("Ben Lomand") responds to Citizens Communications Company of Tennessee LLC, d/b/a Frontier Communications of Tennessee's First Set of Discovery Requests. Subject to and reserving objections as set forth below and its rights to amend and/or supplement these responses should additional information become known or additional documents identified and, after review of Frontier's responses to Ben Lomand's Discovery Requests, Ben Lomand responds to the Discovery Requests as follows:

1. State all facts upon which you base your allegation that Citizens' tariff at issue offers services below cost.

RESPONSE: Upon information and belief, including review of other carriers' tariffs, it appears on its face that the tariff in question is below cost or the rates charged for such services prior to the tariff were excessive. Based upon Ben Lomand's costs and the tariffs of other carriers, and the fact that Frontier's costs must be at least equal to or higher than that of other carriers, Ben Lomand has reason to believe that the tariff is below cost. These factors would

lead a reasonable person to conclude that the tariff is below cost or the rates charged prior to this tariff were exorbitant.

Frontier's tariffs for exchanges in Weakley County, Putnam County, and Cumberland County would lead one to the conclusion that the tariff in the McMinnville and Sparta exchanges is below cost. The disparity between Frontier's rates and those of other carriers' B1 rates would lead one to the conclusion that the tariff is below cost. For example, B1 rates range from \$39.81 by TDS to the lowest of \$29.80 by BellSouth. See Exhibit 1.

2. State all facts upon which you base your allegation that Ben Lomand has lost customers and revenue as a result of Citizens' predatory pricing.

RESPONSE: Attached hereto as Exhibit 2 is a list of the customers lost by Ben Lomand as a result of Citizens' predatory pricing. Exhibit 2 is **CONFIDENTIAL AND PROPRIETARY**. Therefore, Exhibit 2 will be submitted when the Protective Order is signed.

Ben Lomand's response to this Discovery Request is based upon the knowledge, information, and belief of Ben Lomand. The response is based upon Ben Lomand's direct knowledge from clients that the loss of customers was due to the low price and, in some instances, the conclusion of Ben Lomand.

3. In the event you have not already done so, state all facts to support your allegations that Citizens is offering services below the price floor established in Tenn. Code Ann. §65-5-208(c).

RESPONSE: Ben Lomand objects to Discovery Request No. 3 as it prematurely calls for the submission of testimony prior to the date set forth in the Procedural Schedule. Subject to such objection and the review of Frontier's responses to Ben Lomand's discovery requests, Ben Lomand agrees to produce such facts regarding the referenced allegations in the Complaint and

will supplement the response if further information is requested by Frontier after Ben Lomand files its testimony.

Respectfully submitted,



H. LaDon Baltimore, BPR #003836

Farrar & Bates, L.L.P.

211 Seventh Avenue North, Suite 420

Nashville, TN 37219

(615) 254-3060

(615) 254-9835 FAX

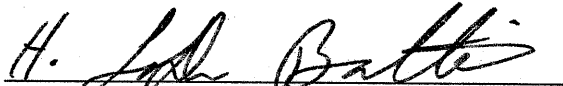
*Counsel to Ben Lomand Communications, Inc.*

**Certificate of Service**

The undersigned hereby certifies that on this the 18<sup>th</sup> day of February, 2003, a true and correct copy of the foregoing has been forwarded via first class U. S. Mail, hand delivery, overnight delivery, or facsimile transmission to the following.

Guilford F. Thoronton, Jr., Esq.  
Stokes, Bartholomew, Evans & Petree  
424 Church Street, Suite 2800  
Nashville, TN 37219

Richard Collier, Esq.  
General Counsel  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37238



H. LaDon Baltimore

**EXHIBIT 1**

**COMPILATION OF CERTAIN BELLSOUTH,  
UNITED TELEPHONE -SOUTHEAST AND TDS RATES**

### A3.1 General (Cont'd)

F. (DELETED)

### A3.2 Statewide Rate Schedule

#### A3.2.1 Flat Rate Schedule

A. The following schedule of monthly rates is applicable to Flat Rate Main Station Line Service which is available only on an individual line (1-Party) basis:

1. Rate Groups include Main Station Lines, PBX Trunks, and Centrex Main Station Lines.

	Residence	Business	USOC
(a) Group 1 (0 - 12,000)	\$7.55	\$27.05	NA
(b) Group 2 (12,001 - 27,000)	8.50	30.80	NA
(c) Group 3 (27,001 - 85,000)	9.05	32.75	NA
(d) Group 4 (85,001 - 300,000)	11.85	39.05	NA
(e) Group 5 (300,001 - 500,000)	12.15	39.70	NA

9am00066 REPRO DATE: 01/21/97 REPRO TIME: 09:52 AM  
(D)

BELLSOUTH GENERAL SUBSCRIBER SERVICES TARIFF Sixth Revised Page 1.2  
TELECOMMUNICATIONS, INC. Cancels Fifth Revised Page 1.2  
TENNESSEE

ISSUED: March 22, 1999 EFFECTIVE: April 21, 1999

BY: President - Tennessee

Nashville, Tennessee

### A3. BASIC LOCAL EXCHANGE SERVICE

### A3.2 Statewide Rate Schedule (Cont'd)

#### A3.2.1 Flat Rate Schedule (Cont'd)

B. The following exchanges have exception rates to the statewide group.

1. Exceptions from Schedule

	Residence	Business
(a) Cedar Grove (group 1C)	\$10.30	\$29.80
(b) Lyles (group 2B)	9.00	32.70
(c) Big Sandy (group 2C)	9.95	31.75
(d) Summertown (group 2D)	9.05	32.75
(e) Bulls Gap (group 3B)	9.35	33.75
(f) Fork Ridge (See A3.10.5)	10.02	30.95
(g) Michie (See A3.10.6)	10.00	36.11
(i) South Fulton (See A3.10.7)	9.07	28.10
(j) South Guthrie (See A3.10.8)	9.07	28.10
(k) South Oak Grove (See A3.10.9)	10.59	32.90
(T)		
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(T)		
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(T)		
(N)		
(N)		
(N)		
(N)		
(N)		

GENERAL SUBSCRIBER SERVICES TARIFF  
UNITED TELEPHONE-SOUTHEAST, INC. Twenty-Ninth Revised Page 3  
TENNESSEE Cancels Twenty-Eighth Revised Page 3  
ISSUED: September 9, 2002 EFFECTIVE: October 8, 2002  
BY: Director - Tariffs  
Overland Park, Kansas  
U3. BASIC LOCAL EXCHANGE SERVICE  
U3.3 MONTHLY EXCHANGE RATES (Cont'd)  
U3.3.1 FLAT RATE SERVICE (Cont'd)

1. Rate Group 10 Exchanges with up to 25,400 main stations

Exchange(s): Baileyton

Dial Access Line Rates

Business Flat

Individual Line \$32.13

2. Rate Group 15 Exchanges with up to 85,700 main stations

Exchange(s): Blountville

Dial Access Line Rates

Business + Flat

Individual Line \$37.43

3. Rate Group 12 Exchanges with up to 41,300 main stations

Exchange(s): Bluff City

Dial Access Line Rates

Business Flat

Individual Line \$34.62

4. Rate Group 9 Exchanges with up to 19,900 main stations

Exchange(s): Butler

Dial Access Line Rates

Business Flat

Individual Line \$30.92

5. Rate Group 13 Exchanges with up to 52,700 main stations

Exchange(s): Church Hill

Dial Access Line Rates

Business Flat

Individual Line \$35.63

6. Rate Group 4 Exchanges with up to 5,900 main stations

Exchange(s): Erwin

Dial Access Line Rates

Business Flat Rate

Individual Line \$25.69

Tariffs online at

<http://www3.sprint.com/sprint/tariffs>



Copied from TDS website [www.tdstelecom.com](http://www.tdstelecom.com) on Tuesday, February 11, 2003

At TDS Telecom, we are proud of the telecommunications tradition of quality and service. Because your phone line is reliable, you don't have to think about it---and that's just the way it should be.

- Never worry if you're going to get a signal. When you pick up the handset, the dialtone is there.
- Run your fax machine or your dialup Internet connection over it.
- Affordably add as many extra lines as you'd like to cover your current communications needs.

To learn more about Additional Lines, click on the link below. To order, simply click "Add to cart" below.

**Additional Lines \$39.81 per month**

**Other TDS rates:**

Concord Telephone Exchange at Concord near Knoxville	\$30.15 1 B
Tennessee Telephone Company at Mt. Juliet	\$38.50 1 B